

Restriction Requirement

Item 2. Examiner Canfield has vacated the restriction requirement required by Examiner Holly Sy during a telephonic interview with Attorney for Applicant, Jackie Lee Duke on August 6, 2001.

Claim Rejections - 35 U.S.C. § 102

Item 4. Examiner has rejected Claims 1, 5, 8, 11 and 14 under 35 U.S.C. §102(b) as being as being anticipated by Applicant's disclosure of the prior art. Examiner states Page 1 of the specification states that baseplates comprised of a cavity filled with grout and having precisely machined mounting pads/surfaces are known in the prior art. As to the method claims, the examiner notes that claims are not limited to any particular sequence of steps. As to the product claims, the examiner notes that a product is not limited by the sequence of its manufacture but only by the resulting final product.

Applicant respectfully traverses this rejection in view of the amendments made above. Applicant has amended Claims 1, 3, 5 and 14 and canceled Claims 8 and 11. The amended Claims 1, 3, 5 and 14 include the addition of the phrase "sequentially the step(s) of" in the preamble of the claims to emphasize the need for *sequentially* performing the steps of Applicant's novel method to achieve the desired results. Applicant's application points out the prior art method of machining the baseplate and then grouting the baseplate which often leads to distortion of the baseplate and the precision machined mounting surfaces (See Application Page 1, Line 22 to Page 2, Line 4). In contrast, Applicant's novel method requires the grouting operation to be performed, the grout allowed to cure and then the baseplate is machined to ensure proper tolerances for the mounting points (See Application Page 5, Line 30 to Page 7, Line 12). It is this the unique choice of steps that is the essence of Applicant's invention.

For these reasons it is believed Claims 1, 5 and 14 as now written are not anticipated under 35 U.S.C. §102(b) by Applicant's disclosure of the prior art and Applicant requests the rejection be withdrawn.

Applicant has canceled Claims 8 and 11 and therefore believes the rejection of Claims 8 and 11 is rendered moot and requests the rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Item 6. Examiner has rejected Claims 9, 10, 12, 13, 15, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Applicant's disclosure of the prior art. Although not specifically stated, Applicant believes Claim 2 is also being rejected under this Item and has responded accordingly. Examiner asserts it is well known that temperature and time directly effect cure times and the particular material choice for the grout is viewed as a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art for the inherent properties of the material.

Applicant respectfully traverses this rejection in view of the amendments made above. Applicant has canceled Claims 9, 10, 12 and 13 leaving Claims 2, 15, 18 and 20. Examiner has indicated that Claims 3, 4, 6, 7, 16 - 17 and 19 are objected to as being dependent upon a rejected base claim (See Item 7, below) but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The amendments made above place these claims in allowable condition. Additionally, Claims 2, 15, 18 and 20 depend either directly or through intervening claims from Amended Claims 1 and 14 which have been shown to be in allowable condition. For these reasons, it is believed the rejection of remaining Claims 2, 15, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Applicant's disclosure of the prior art is overcome and requests the rejection be withdrawn.

Allowable Subject Matter

Item 7. Examiner has stated Claims 3, 4, 6, 7, 16 - 17 and 19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Appropriate amendments have been made above (See Items 4 and 6, above) to place these claims or amended claims including their limitations in allowable condition.

Item 8. Examiner has stated the prior art made of record but not relied upon is considered pertinent to Applicant's disclosure. Applicant has reviewed these references but does not believe any of these references singularly or in combination disclose or suggest the unique method of Applicant's invention.

Drawing Objections

Item 10. Examiner has stated the drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 23 (form, page 5 spec). Correction is required.

Applicant is submitting a clean set of formal drawings for entry in this case with this amendment with Figure 1 corrected to include the omitted reference sign.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Claim 1 is independent and specifies the invention is a method for preparing and installing a baseplate for supporting rotating machinery comprising sequentially the steps of (a) preparing and pouring a grouting material into a cavity in a baseplate; (b) curing the grouting material to achieve desired physical properties for the grouting material; (c) checking the mounting surfaces adapted for supporting a piece of rotating machinery on the baseplate for specified tolerances; (d) placing the baseplate in a fixture to allow machining of the mounting surfaces; (e) machining the mounting surfaces adapted for supporting a piece of rotating machinery on the baseplate to a specified tolerance; and, (f) installing a piece of rotating machinery on the machined mounting surfaces.

Claim 2 is dependent on Claim 1 and specifies a method for preparing and installing a baseplate for supporting rotating machinery including the step of accelerating the curing of the grouting material by maintaining the baseplate at an elevated temperature for a specified time period.

Claim 3 is dependent on Claim 2 and specifies sequentially the steps of (a) securing the baseplate to a foundation; (b) leveling the baseplate; (c) placing a form around the baseplate and the foundation; and, (d) pouring a grouting material into the void between the baseplate and the foundation.

Claim 4 is dependent on Claim 3 and specifies the grouting material is an organic grout.

Claim 5 is dependent on Claim 1 and specifies sequentially the step of ensuring the curing of the grouting material by curing the grouting material for a specified time period.

Claim 6 is dependent on Claim 5 and specifies sequentially the steps of (a) securing the baseplate to a foundation; (b) leveling the baseplate; (c) placing a form around the baseplate and the foundation; and, (d) pouring a grouting material into the void between the baseplate and the foundation.

Claim 7 is dependent on Claim 6 and specifies the grouting material is an inorganic grout.

Cancel Claims 8 - 13.

Claim 14 is independent and specifies the invention is a method for preparing and installing a baseplate having an open frame configuration for supporting rotating machinery, comprising sequentially the steps of (a) securing a grout retaining means to a baseplate to form a cavity therein; (b) preparing and pouring a grouting material into the cavity in the baseplate; (c) curing the grouting material to achieve desired physical properties for the grouting material; (d) removing the grout retaining means from the baseplate; (e) checking the mounting surfaces adapted for supporting a piece of rotating machinery on the baseplate for specified tolerances; (f) placing the baseplate in a fixture to allow machining of the mounting surfaces; (g) machining the mounting surfaces adapted for supporting a piece of rotating machinery on the baseplate to a specified tolerance; and, (h) installing a piece of rotating machinery on the machined mounting surfaces.

Claim 15 is dependent on Claim 14 and specifies the step of accelerating the curing of the grouting material by maintaining the baseplate at an elevated temperature for a specified time period.

Claim 16 is dependent on Claim 15 and specifies sequentially the steps of (a) securing the baseplate to a foundation; (b) leveling the baseplate; (c) placing a form around the baseplate and the foundation; and, (d) pouring a grouting material into the void between the baseplate and the foundation.

Claim 17 is dependent on Claim 16 and specifies the grouting material is an organic grout.

Claim 18 is dependent on Claim 14 and specifies the step of ensuring the curing of the grouting material by curing the grouting material for a specified time period.

Claim 19 is dependent on Claim 18 and specifies sequentially the steps of (a) securing the baseplate to a foundation; (b) leveling the baseplate; (c) placing a form around the baseplate and the foundation; and, (d) pouring a grouting material into the void between the baseplate and the foundation.

Claim 20 is dependent on Claim 18 and specifies the grouting material is an inorganic grout.

In light of the foregoing amendments and remarks, Applicant submits the claims are in proper form and clearly distinguish over the references of record. Allowance of the claims is requested and favorable action is solicited.

Should you wish to discuss this application, please call Jackie Lee Duke, Attorney for Applicant, at (713) 964-6737 or facsimile (713) 964-6738.

Respectfully submitted,



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CERTIFICATE OF MAILING (37 CFR §1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box Non-Fee Amendment, Washington, D. C. 20231.

October 29, 2001

Date



Jackie Lee Duke



Docket No.: JLD-1096-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of § Group Art Unit 3635

Kermit L. Palmer §

Serial No.: 09/665,143 §

Filed: September 19, 2000 §

For: PREGROUTED BASEPLATE FOR § Examiner: Robert Canfield
SUPPORTING ROTATING
MACHINERY §

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, comprising sequentially the steps of:

- (a) preparing and pouring a grouting material into a cavity in a baseplate;
- (b) curing said grouting material to achieve desired physical properties for said grouting material;
- (c) checking the mounting surfaces adapted for supporting a piece of rotating machinery on said baseplate for specified tolerances;
- (d) placing said baseplate in a fixture to allow machining of said mounting surfaces;
- (e) machining said mounting surfaces adapted for supporting a piece of rotating machinery on said baseplate to a specified tolerance; and,
- (f) installing a piece of rotating machinery on said machined mounting surfaces.

Claim 2 has been amended as follows:

2. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 1, including the steps step of:

accelerating the curing of said grouting material by maintaining said baseplate at an elevated temperature for a specified time period.

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Claim 3 has been amended as follows:

3. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 2, further including sequentially the steps of:

- (a) securing said baseplate to a foundation;
- (b) leveling said baseplate;
- (c) placing a form around said baseplate and said foundation; and,
- (d) pouring a grouting material into the void between said baseplate and said foundation.

Claim 5 has been amended as follows:

5. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 1, including sequentially the steps step of:

ensuring the curing of said grouting material by curing said grouting material for a specified time period.

Claim 6 has been amended as follows:

6. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 5, further including sequentially the steps of:

- (a) securing said baseplate to a foundation;
- (b) leveling said baseplate;
- (c) placing a form around said baseplate and said foundation; and,
- (d) pouring a grouting material into the void between said baseplate and said foundation.

Claims 8 - 13 have been canceled.

Claim 14 has been amended as follows:

14. (Amended) A method for preparing and installing a baseplate having an open frame configuration for supporting rotating machinery, comprising sequentially the steps of:

- (a) securing a grout retaining means to a baseplate to form a cavity therein;
- (b) preparing and pouring a grouting material into said cavity in said baseplate;
- (c) curing said grouting material to achieve desired physical properties for said grouting material;
- (d) removing said grout retaining means from said baseplate;

- (e) checking the mounting surfaces adapted for supporting a piece of rotating machinery on said baseplate for specified tolerances;
- (f) placing said baseplate in a fixture to allow machining of said mounting surfaces;
- (g) machining said mounting surfaces adapted for supporting a piece of rotating machinery on said baseplate to a specified tolerance; and,
- (h) installing a piece of rotating machinery on said machined mounting surfaces.

Claim 16 has been amended as follows:

16. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 15, further including sequentially the steps of:

- (a) securing said baseplate to a foundation;
- (b) leveling said baseplate;
- (c) placing a form around said baseplate and said foundation; and,
- (d) pouring a grouting material into the void between said baseplate and said foundation.

Claim 19 has been amended as follows:

19. (Amended) A method for preparing and installing a baseplate for supporting rotating machinery, according to Claim 18, further including sequentially the steps of:

- (a) securing said baseplate to a foundation;
- (b) leveling said baseplate;
- (c) placing a form around said baseplate and said foundation; and,
- (d) pouring a grouting material into the void between said baseplate and said foundation.